



EPA REGION 10 RTOC

Regional Tribal Operations Committee

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TOPICS FORM

Meeting Date:

To better assist you with your questions and concerns
please fill out this form with each issue you wish to discuss.

All forms are due 2 weeks (14 days) prior to the meeting.

Name: Gabriel Bohnee
Tribe: Nez Perce Tribe
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Topic Title: EPA Region 10 cuts to Tribal Air Programs

Description: EPA is cutting Region 10 Tribal Air Program budgets 10-15%, with at least one tribe seeing a budget cut of 32%.

Concern: For program budgets already in a spare state, these cuts will affect FTE hours and Tribes' ability to address air quality issues, regulatory requirements, and protect the health and welfare of reservation and village residents and Tribal Lands. EPA already does not adequately meet its trust responsibility obligations to Tribes under the Clean Air Act (only 110 of 566 federally recognized tribes received CAA funding), and this further diminishment of the Federal Government's trust responsibility will lead to air quality degradation and adverse impacts to human health and Tribal Lands. This situation falls far short of EPA's and the President's goals of ensuring adequate enforcement and compliance with the CAA and other federal environmental laws, and of improving environmental outcomes and enhancing service to the regulated community and the public to make a visible difference in communities across the country.

Requested Action:

- EPA Region 10 work with EPA HQ other EPA programs and NTAA to find sources of funding (OECA, AIEO, etc.) to bolster FY16 CAA STAG funding in Region 10, and to provide additional, increased, and stable funding sources for Tribal AQ Programs into the future.
- Greatly strengthen AQ section language in the FY2017 NTC budget request priorities documents. Recommend working with NTAA and their 2015 STAR report to gather and convey appropriate information (we understand this is already underway).

Informational: The National Tribal Air Association recently completed its 2015 Status of Tribal Air Report, <http://www4.nau.edu/itep/ntaa/resources/status-of-tribal-air-reports.asp>. A overall summary of the report's Tribal Air Program needs and recommendations is provided on page 7 (and pasted below):

Summary of 2015 STAR Report Recommendations

- Tribal air quality programs continue to be cut, while the demand and need for Tribal air management only increases. Tribes recognize that air quality funding is limited, but additional funding for Tribal air quality programs must be made available to avoid serious backsliding in air quality protection.
- The issues that face each Tribe can be as varied as the Tribes themselves, thus it is imperative that federal agencies consult with Tribal leadership individually.
- Federal agencies need to demonstrate their commitment to Tribal sovereignty through (1) appropriate allocation of funding for Tribal air programs, (2) engaging proactively in government-to-government consultation with Tribal nations, (3) upholding their Trust responsibility by developing and implementing air programs that are responsive to the feedback provided by Tribes, and (4) responding to Tribal requests and recommendations in a timely manner.
- Each Tribe should have the opportunity and resources necessary to assess the quality of its airshed(s) in order to protect the health of Tribal members and Tribal lands, particularly in light of the many off-reservation sources of pollution.
- Monitoring and analysis partnerships between Tribes and other established air quality entities should be encouraged and funded.

EPA Response

Provided by: Nancy Helm
Tribal Air Team Lead
OAWT

- EPA Region 10 is aware of the challenges posed by cuts to tribal air grants.
- First I want to ensure everyone understands why these cuts have occurred.
- Although EPA air program leadership has been successful at preventing large cuts to national tribal air program funding the overall funding for tribal air has remained relatively flat.
- In FY15, Region 10's allocation of the national funds slightly declined. R10 is working with OAR to address that, to ensure future allocations accurately reflect all of the work Region 10 tribes are doing.
- Moreover, the primary reason for the funding cuts is that the tribes in Region 10 have grown their air programs to the point that the region can't come close to meeting the funding need. This point is worth celebrating, that the amount, scope and capacity of tribal air programs is now so great. However federal funding has not kept up with this growth.

- For several years we have been able to maintain and even slightly increase grants to tribes by using money that was unspent in previous years or unspent by other EPA regions. Those sources of funds have decreased to a trickle. In general, Tribes are no longer returning unspent funds. For FY15 funding we had annual tribal air grant needs that exceeded our allocation by nearly 50%.
- Region 10 and OAR are working on both of the actions requested in this topic. OAR managers have been gathering information from regional staff to bolster their case for a larger budget request in FY17.
- Region 10 is beginning a conversation with tribes to help us develop a more systematic plan to distribute funding in a way that is fair and is based on criteria that are as objective as possible.
- We remain committed to protecting air quality in Indian Country through our effective tribal partnerships and prioritizing implementation of the Federal Air Rules for Reservations and other CAA requirements.
- Nez Perce Tribal Chairman Anthony Johnson discussed these concerns with Betsy Shaw, Deputy Assistant Administrator for Air and Radiation, and OAR staff on August 5. Kate Kelly, Director of the Office of Air, Waste, and Toxics, participated in the conversation by phone.